

## TITLE 17. CALIFORNIA AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE DESIGNATION CRITERIA AND AMENDMENTS TO THE AREA DESIGNATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARDS

The Air Resources Board (the ARB or Board) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to the regulations designating areas of California as attainment, nonattainment, or unclassified for all pollutants for which there are State ambient air quality standards.

**DATE:** September 24, 1998

**TIME:** 9:30 a.m.

**PLACE:** Kern County Board of Supervisors  
Board of Supervisors Chambers, First Floor  
1115 Truxton Avenue  
Bakersfield, CA

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., September 24, 1998, and may continue at 8:30 a.m., September 25, 1998. This item may not be considered until September 25, 1998. Please consult the agenda for this meeting, which will be available at least ten days before September 24, 1998, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board at (916) 322-5594, or (800) 700-8326 for TDD calls from outside the Sacramento area by September 10, 1998.

#### **INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH POLICY STATEMENT OVERVIEW**

**Sections Affected:** Proposed amendments to Title 17, California Code of Regulations (CCR), sections 70300 through 70306 and Appendices 1, 2, and 3, thereof; proposed amendments to sections 60201, 60202, 60205, and 60206; and proposed addition of new section 70303.1; pursuant to section 39608 of the Health and Safety Code (H&SC).

**Background:** The California Clean Air Act of 1988 (the Act; Stats. 1988, ch. 1568) significantly revised Division 26 of the H&SC. The Act added to the H&SC several requirements concerning district plans and control measures to attain and maintain the State ambient air quality standards (State standards). Section 39607(e) of the H&SC requires the Board to establish and periodically

review designation criteria. These criteria provide the basis for designating areas for the State standards cited in CCR, Title 17, section 70200. The nine pollutants with State standards for which designations are made are: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter (PM<sub>10</sub>), sulfates, lead, hydrogen sulfide, and visibility reducing particles. Pursuant to H&SC section 39607(e), the Board first established designation criteria at a public hearing in June 1989 (CCR, Title 17, sections 70300 through 70306). The Board subsequently amended these criteria in June 1990, May 1992, December 1992, November 1993, and November 1995. The criteria specify the data to use, the size of the designated area, and the conditions for determining the appropriate designation category.

Based on the designation criteria, H&SC section 39608 requires the Board to designate areas as attainment, nonattainment, or unclassified for each of the nine pollutants with State standards set forth in CCR, Title 17, section 70200. The Board approved the original area designations in June 1989. The H&SC further requires the Board to review the area designations annually and update them as new information becomes available. The area designations comprise CCR, Title 17, sections 60200 through 60209.

**Staff Proposal:** The Board staff proposes two groups of regulatory changes. The first group of changes affects the criteria that the Air Resources Board uses for designating areas with respect to the State standards. The second group of changes affects the actual area designations for the State standards.

#### Proposed Amendments to the Designation Criteria

The proposed amendments to the designation criteria (CCR, Title 17, sections 70300 through 70306 and Appendices 1 through 4, thereof) would not change the current application of the designation criteria. Rather, they would clarify current practices, correct errors, make the regulations easier to interpret and internally consistent, and delete unnecessary or obsolete language and references. The proposed amendments would make the following changes to the regulations:

- Revise section 70300 to reflect the designation of areas rather than air basins, and add “nonattainment-transitional” to the list of potential designations.
- Revise section 70301 to better describe the two types of data that may qualify as “data for record,” and add a reference for when data becomes “data for record.”
- Revise section 70303 to remove the requirements for the nonattainment-transitional designation for pollutants other than ozone (subsections (c) and (d)) (these requirements are now proposed to be specified in new section 70303.1).
- Add section 70303.1 to specify the requirements for designating areas as nonattainment-transitional for pollutants other than ozone (these requirements were

previously specified in section 70303, subsections (c) and (d)).

- Revise section 70303.5 to clarify that the nonattainment-transitional designation for ozone may apply to a portion of a district if the portion of the district is an area designated as nonattainment for ozone. Revise the existing language to better describe current practices. Add provision for designation in the event that air quality data indicate more than three exceedance days in the current calendar year.
- Revise Appendix 1 to delete extraneous language and unnecessary references.
- Reorganize Appendix 2 to clarify current practices in evaluating potential highly irregular or infrequent events. The extreme concentration event would become the first type of event evaluated, followed by the exceptional event and unusual concentration event. Revise the document referenced under the Extreme Concentration Event Procedure to reflect a minor change and conform with current computational procedures. Incorporate the new document, entitled “*Procedure for Computing the Values Used in Identifying Extreme Concentration Events*” (August 1998), by reference.
- Revise Appendix 3 to delete extraneous language and unnecessary references.
- Revise sections 70301 through 70303, and 70304 through 70306, and Appendix 2 to reflect the word “will” instead of “shall” when used in reference to the Board.

Proposed Amendments to the Area Designations

The proposed amendments to the area designations (CCR, Title 17, sections 60200 through 60209) would make the following changes to the regulations:

- For ozone: identify the change in designation by operation of law from nonattainment to nonattainment-transitional for the following districts, unless valid air quality data for the current year show more than three exceedance days at any monitoring site in the area:
  - Colusa County Air Pollution Control District.
  - Monterey Bay Unified Air Pollution Control District.
  - Placer County Air Pollution Control District  
(Mountain Counties Air Basin portion).
  - San Luis Obispo County Air Pollution Control District.
  - Tehama County Air Pollution Control District.
  - Yolo-Solano Air Quality Management District.

(Based on ozone data for 1995-1997, the Bay Area Air Quality Management District would qualify as nonattainment-transitional. However, data for 1998 show more than three exceedance days at a monitoring site in the area. Therefore, based on the proposed amendment to section 70303.5 of the designation criteria, the staff is proposing that the Bay Area Air Quality

Management District remain designated as nonattainment for ozone.)

- For carbon monoxide: redesignate the Fresno Urbanized Area in the San Joaquin Valley Air Basin from nonattainment to attainment; and redesignate El Dorado County (Lake Tahoe Air Basin portion) from nonattainment-transitional to attainment.
- For suspended particulate matter (PM<sub>10</sub>): redesignate Lassen County in the Northeast Plateau Air Basin from unclassified to nonattainment.
- For sulfates: redesignate San Diego County in the San Diego Air Basin from attainment to nonattainment.

### **AVAILABILITY OF DOCUMENTS AND CONTACT PERSON**

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the potential environmental and economic impacts of the proposal, if any. The Staff Report is titled "Proposed Amendments to the Designation Criteria and Amendments to the Area Designations for State Ambient Air Quality Standards, and Proposed Maps of the Area Designations for the State and National Ambient Air Quality Standards." Copies of the Staff Report and the full text of the proposed regulatory language, in underline and strike-out format, may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990. The Board staff has compiled a record which includes all the information upon which the proposal is based. Copies of the documents may be obtained from, or inspected at, the Public Information Office, 2020 L Street, Sacramento, CA 95814.

To obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 322-4505, TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

Further inquiries regarding this matter should be directed to Bart Croes, Chief of Air Quality Data Branch, Technical Support Division, P.O. Box 2815, Sacramento, CA 95812, (916) 323-4887, or [bcroes@arb.ca.gov](mailto:bcroes@arb.ca.gov). For further information, visit our web site at [www.arb.ca.gov/desig/desig98/desig98.htm](http://www.arb.ca.gov/desig/desig98/desig98.htm).

### **COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed amendments are presented below.

## Overall Impacts of the Proposed Amendments

The proposed amendments to the designation criteria and the area designations by themselves do not contain requirements for action. Subsequent requirements for action may result after additional steps, such as plan preparation and approval, are taken. The designation criteria provide a set of rules for the Board to follow in determining the appropriate designation status for the various pollutants for each area of the State. The area designations themselves are labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves contain no requirements for action, they have no direct economic impact, and the following general determinations are appropriate:

The Executive Officer has determined that adoption of the proposed amendments will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer also has determined, in accordance with Government Code section 11346.5(a)(8), that adoption of the proposed amendments will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. An assessment of the economic impacts of the proposed amendments can be found in the Staff Report. Finally, the Executive Officer has determined that there will be no, or insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected as a result of adopting the proposed amendments.

In accordance with Government Code section 11346.3, the Executive Officer has determined that adoption of the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, or the expansion of businesses currently doing business within California. In accordance with Government Code section 11346.5(a)(11), the Executive Officer has determined that adoption of the proposed amendments will not have a significant effect on housing costs.

Finally, the Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action will not affect small businesses, because by themselves, the amendments contain no requirements for action and, therefore, have no direct economic impact.

Before taking final action on the proposed amendments to the regulations, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### Impacts of the Proposed Amendments to the Designation Criteria

The proposed amendments to the designation criteria are intended to clarify current practices, correct minor errors, make the regulations easier to interpret and internally consistent, and delete extraneous language and references. The proposed amendments to the designation criteria do not make any substantive changes to the current application of the regulations. Neither will the proposed amendments require any new or more stringent regulations. Therefore, adoption of the proposed amendments will not result in any adverse economic impacts.

### Impacts of the Proposed Amendments to the Area Designations

The proposed amendments to the area designations will not have any direct adverse economic impacts because they do not, by themselves, require any regulatory action. The area designations are labels which define the healthfulness of air quality in each area of the State. The proposed amendments would redesignate one area as nonattainment for the State PM<sub>10</sub> standards and one area as nonattainment for the State sulfates standard. Districts designated as nonattainment for a State standard are expected to attain the State standard as expeditiously as possible, but there are no planning requirements for districts designated as nonattainment for the State PM<sub>10</sub> or sulfates standards.

### **SUBMITTAL OF COMMENTS**

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, September 23, 1998, or received by the Clerk of the Board at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

### **STATUTORY AUTHORITY AND HEARING PROCEDURES**

This regulatory action is proposed under that authority granted in sections 39600, 39601, and 39608 of the H&SC. The amendments to the regulations are proposed to implement, interpret, and make specific sections 39608 and 40925.5 of the H&SC.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

**CALIFORNIA AIR RESOURCES BOARD**

Michael P. Kenny  
Executive Officer

Date: July 28, 1998